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# BOARD OF SELECTMEN

## MEETING MINUTES

### 1/6/09

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Thomas Alonzo, Paula Bertram, Steven M. deBettencourt, Thomas Mason, Dave Matthews and CAFO Kerry Speidel present. Meeting opened at 7:02 P.M. with the Pledge of Allegiance

#### **PUBLIC DISCUSSION**

Kim Thomas, Hemlock Drive questioned where the board stands with Unitil, the letter on their website is really insulting and has yet to see a Unitil truck in town. Also questioned if there will be some compensation for all of our expenses. Reported that she received an estimated bill and couple of days later a shut off notice from Unitil. Having to purchase a generator is not an asset she anticipated in having.

Per Chair, at State level within next week or so, the DPU will be opening an investigation of all the power companies that were affected by the storm. The four municipalities that were involved are very watchful of those hearings. The DPU governs who distributes and can be a power company and what districts they get. What options are available will be investigated at the state level, from the town's perspective we have inquired from our town counsel what would be available to us, what our options would be to get someone else here, how do we get competition in. At grassroots level, have heard about and seen the petitions going around. This level must also exist and stay active and to testify at the hearings on the lack of response from the utility company. Those three angles would put extreme pressure on what options we have, changing a process that was decided over 100 years ago and has not be reviewed since. State did qualify for FEMA funds; usually municipalities can receive up to 75% of what was spent and then commitments from the legislative representative to petition the state to fill in the gaps. At the individual and business level, there have been no commitments yet, this is generally not given except in cases of huge devastation, where homes were lost.

Paula added that she would like to see a letter from this board to the DPU to state our concerns and outlining the frustrations, need to articulate all of our concerns and the need for a system for accountability, so moved as a motion, Steve seconded, voted unanimously. Dave considers himself as one of the lucky people as he was only out for 9 days and would recommend that everyone sign the petition, would like to get together with the other communities as more voice is hopefully more action.

Chair wants to make every effort that the residents of this town are provided with superior service and plans in an emergency situation. It is an inadequate system that needs to be addressed and completed at a reasonable price.

Carol McCarthy of Valley Road, proposed that the town support the legislation H3319 that, establishes the possibility for cities and towns to have their own utility company, the very threat of it, and competition seems to be the only way to get companies to listen. Lunenburg is one of the communities that haven't stated whether it does support, this would allow municipalities to purchase the infrastructure at a price that were reasonable. Also questioned whether utility companies are required to have insurance, how can they operate without, it's just unforgivable and hope that the statements that we're going to be paying for this for years to come is not true. Chair informed Carol, that as far as H3319, we will be reviewing and we will have our state Senator and Representative here next Tuesday and this will probably be a topic. We will review ourselves and with the state representatives for 8:00 PM. noted that he has heard the "rumor" that the ratepayers will have to pay for this, it's not a rumor it came right from their representative George Gantz, this comment came right from Unitil. Need to focus on what is the state requiring of them. Board will discuss with state reps and amongst ourselves at that meeting.

Kerry informed the board that the state is looking to re-file this legislation, the last time it was filed it was supported by Representatives Eldridge and Flanagan, if they (Unitil) don't want to sell there currently is no means to force this. This legislation would allow the municipality to do this and would like to extend

Richard Trainque, Otis Street, regarding meetings coming up and questioned whether these will be posted online.

Per Chair, we will alert all the public, through the website, the newspapers and all modes of the media.

Mike Clark 275 Cross Road, intrigued by municipal electric company would propose the selectmen hold a special town meeting to hire a consulting firm with a background in utilities to look at what happened in this storm, the status of our infrastructure and what would be needed to implement our own utility. Have heard that most of the local municipal companies recovered relatively quickly, in parallel with what the state is doing we should be funding our own study and putting this forward to the citizens to see if we want to fund what our options are. Concerned that there are still a lot of large limbs across the roadways and in the trees; as they can cause serious damage to a car or personal injury if they land on the roof of a car.

Kerry we have spent in excess of \$100,000 picking up storm debris, have done some tree work, with our own crews and 4 or 5 hired crews have been out since the storm. Haven't spent as much on what still exists in the trees as we've been cleaning out the roadways, aware that we still have much to do, probably about another \$100,000 to complete, not sure where the funds are going to come from to do this.

Chair noted that with the anticipated cuts in state aid would be willing to place such an article on the warrant, but uncertain as to how funding would take place.

Tom read the attached information that was furnished to the town from Unitil.

## **ANNOUNCEMENTS**

Tom M. regarding recent tax bills, would like to invite the Assessor's to this board to discuss the rational that they have come up with for these assessments.

## **APPOINTMENTS**

**1. 7:15 P.M. – Pledge of Liquor License, On the Rocks** – Ken Ricker came before the board that he was here last week to discuss the refinancing of his property and the board as the licensing authority has to approve this request under state law; this is something that is done often in other communities. The board as licensing authority is not giving up any of their authority per MGL, Paula motioned to approve the pledging of liquor license, Steve seconded, voted unanimously.

**2. 7:30 P.M. – Tessa David – Mass Toss / Regional Household Hazardous Waste** - Tessa came before the board regarding the regional household hazardous facility, there are 11 communities that are interested. Proposal is to have service 1 Saturday and one weekday each month, servicing about 80,000 residents, would not have days scheduled in December or January. Looking at the siting being Devens and identified communities within a 20 minute commute. Would also be accessible for very small generator businesses, which would help reduce costs, significantly improve service with minimal impact on local budgets and would be held twice each month. The permanent site would allow for storage of some materials which would help with pricing. Looking at this as being a model as the Governor is looking for regional alternatives and have sent a letter to him requesting assistance for the site work, capital costs. Participants would have their disposal fees and two parts of the cost to support, a one time enrollment which would cover some of the infrastructure necessary and the development costs would total about \$220,000 and may be some items that may be able to be shaved, also sponsorships and grants. Allocations based upon \$220,000 would not exceed \$15,000 even if we don't get sponsorships, this is a one time enrollment fee. If any other community would come on board they would also be assessed the same enrollment fee, also an annual membership for a total of approximately \$25,000 per year, based upon a formula that looks at the community overall. Members of the MassToss will have their annual costs deferred towards the membership. Support from the town would be similar to what is occurring now at the events to include the services of a couple of volunteers for at least one event per year. Liability insurance is also included. Goal is to launch in the fall of 2009 and will be issuing an RFP, securing a two year MOA with the communities and securing the site where it will be located.

CAFO questioned email from the Lt.Governor as he is chairing a task force on municipal projects to provide funding for economic stimulus. List of projects is due this Thursday, there may be funding available through this program. The proposed annual fee for Lunenburg was \$2700 per year, currently we can offer HHW program twice per year, this would allow a much more enhanced service 20 times per year.

Chair questioned other communities responses. Per Tessa the response has been good, they are looking at the costs and what has been spent in the past. Since we've been doing the regional we've been looking at continuing to have but increasing the level of service.

## **CURRENT BUSINESS**

### **1. CAFO Updates –**

- Weather reports for today and tomorrow, Kerry met with Fire/Police Chiefs and Department of Public Works Director and decided on a conference call and the statement was prepared as a response to our conversation with Robert Schoenberger Placed called unannounced and he took the call and was very responsive, did agree to furnish this update. The certainly were more responsive than they have been in the past and there has been a special line for emergency personnel to contact. They will also have a representative on site in the EOC if necessary. They have decided to be more pro-active and have made provisions for crews to be in the area and have provisions to call in additional crews. MEMA is requesting that those who have option of taking public transportation that they do that, a decision will be made tomorrow morning as to school. Do know we have double poles in some areas, have Department of Public Works scheduled to come in this evening. Have personnel in the fire and police on call if need to have additional personnel. Unitil seems better prepared.
- Lt.Governor's office sent out an email, on a municipal task force requesting a list of projects that could be ready to go in 180 days and completed within two years, per attached. Had a meeting this afternoon and identified a number of projects that we will be submitting, not incurring any expense right now. Summer Street repaving, drainage, renovation and energy efficient projects at Town Hall, Department of Public Works a number of things that we have talked about doing over the years. Will contact the School Department and can easily incorporate those as well. The forms right now are very basic and generic. Steve would like to look at the renovation of the old primary school into a new town hall, just to see if anything could come our way. Kerry informed the board that this board voted a number of months ago to take this building off the table for use of municipal offices. Chair would have no problem putting this back on the table if funding is available as his reason for voting to take it off for consideration was because of the cost issue. Paula and Tom M. concurred and this project would have their support if funding were available.

- Declaration from FEMA, this area has been approved for assistance and we are expecting reimbursement up to 75%, don't know specifically what they will be reimbursing. There will be a number of meetings providing information to municipal officials. Currently no information has been made available with regards to individual requests for reimbursements.
- Monthly project status meeting on Meadow Woods, progressing well even with loss of several days due to the storm. 200 – 400 feet per day being completed. Water main has been tested and Water District has advised that they are now using the water main to feed the park. They did have issues during the storm with water and the way the two tanks operated from the water feeds, past this now and hope that as each day passes they will be able to see improvements. Contractor has made substantial progress and still looking at substantial completion of April 15<sup>th</sup>.

**2. Minutes -** 11/18/08, 12/2/08 & 12/4/08 reviewed and signed.

**Warrants -** #14P 09, 1/8/09 - \$592,464.54 and #35 09, 1/6/09 - \$71,427.77 reviewed and signed.

**Contracts -** none

**3. Action File Issues** – Chair requested pulling together an outline of the town's emergency response plan. Chief Glennly will speak with department heads and discuss with members of the staff and then meeting with members of this board to review. Steve questioned status of Senior Center, Kerry will send out an email update, still need work on the sprinkler system.

**4. Green Energy Task Force / Charge & Committee Appointments** – Tabled, per CAFO, would like to have Marion Benson present to the board.

## **OLD BUSINESS**

### **1. Committee Updates**

- Dave Capital Planning Committee, Chief Glennly is requesting a safety light for the public safety facility; this has been presented previously by the department. Board concern with the cost of \$30,000 seems to be extravagant.
- Paula informed the board that the Sewer Commission met and discussed the RFP submitted for the primary school as there is conflicting information on the proposal whether or not they are one or two bedroom units. Need clarification on what their proposal is. Workshop scheduled for Thursday night to discuss the bylaw.
- Dave noted his concerns on the Primary School RFP, is what would be prohibited under their proposal utilizing HUD funding.

**2. Whalom 40B – Lunenburg Estates** – No action

**3. Open Space Committee Goals & Objectives** – place under current business for vote to be taken next week.

**4. Bring Your Own Bottle (BYOB) Regulations** - place under current business for vote to be taken next week.

**5. Chapter 61B – Town's Right of First Refusal – 90 West Townsend Road** - Expires March 4, 2009, received a letter back from Town Counsel per attached basically the proposal doesn't meet the requirements of 61B and due to the deficiencies in the packet, town counsel doesn't believe that the 30 day response time applies to us at this time. The CAFO, Laura, Department of Public Works Director and Marion Benson will be investigating the value of acquiring the property. Section of this property fronts on Chase Road and the possibility of carving out a lot and turning around and selling off. If we can do this at no additional costs would be worthy of consideration.

## **COMMITTEE APPOINTMENTS / REAPPOINTMENTS / RESIGNATIONS**

Would like to generate talent bank forms that are on file and various committee recommendations. Also, current vacancy list and pitch for new volunteers.

## **EXECUTIVE SESSION**

Being no further business board voted unanimously to adjourn Regular Session at 8:43 P.M.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant  
Board of Selectmen